

TERRY EDWIN JUSTUS )  
 )  
 *Petitioner,* )  
 )  
 v. ) No. 3:09-cv-408  
 ) *Phillips*  
 )  
 STEVE DOTSON, Warden )  
 )  
 *Respondent.* )

In accordance with the accompanying Memorandum Opinion, the respondent's motion to dismiss is **GRANTED**. The petition for the writ of habeas corpus is **DENIED** and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is hereby **DENIED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. The court further **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

s/ Thomas W. Phillips  
United States District Judge

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